

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES <i>vs.</i> Donald R. Rains and Gerald B. Foster	<i>For U.S.:</i> Hubert H. Bryant <i>(cc. Ant.)</i> Bryan W. Tabor (Foster) Rucker Bldg. Tulsa, Oklahoma 74129 Roehm A. West (Rains) 4th Nati'l Bk. Bldg. Tulsa, Okla. 74119 <i>For Defendant:</i>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 4-30-70	Clerk	10-4-70	Rains	694 59	
J.S. 3 mailed 6-30-70 Rains 11-30-70 Foster	Marshal	12-1-70	Foster	130 00	
		2-24-71	Foster	564 59	
Violation Theft from interstate shipment Title 18	Docket fee	1-11-72	St. Louis & San Francisco		1,389 18
Sec. 659					

DATE	PROCEEDINGS
4-30-70	Indictment, filed in open court. m
4-30-70	Record vote of the Grand Jury, filed in open court. m
5-5-70	Appearance Bond for Rains, filed. js
5-5-70	Appearance Bond for Foster, filed. js
5-5-70	Order of Release. filed. js
5-5-70	Order of Release. filed. js
5-13-70	Defts. both present and represented. Each deft. advised of charge, each previously furnished copy of indictment, both waive reading, both arraigned and deft. Rains enters a plea of NOT GUILTY. Deft. Foster enters a plea of NOT GUILTY. Defts' counsel given 10 days to file motions and case to be set for jury trial. Both defts. to remain on present bonds. Deft. Foster requests permission to serve at Camp Polk in La. for 2 weeks in the Army Reserve and request granted. (LB-J)n
6-10-70	Case set for change of plea as to defendant Rains on Tues. 6-16-70 at 10:00am (AEB-J)
6-16-70	Defendant Donald R. Rains, present in person and represented. Defendant withdraws plea of Not Guilty and enters plea of GUILTY, and is adjudged GUILTY as charged. Defendant waives jury, waiver signed, approved and filed in open court. Case set for sentence on Tues. 7-7-70 at 10:00 A.M. (AEB-J)h

DATE	PROCEEDINGS
6-23-70	<p>Defendant Donald R. Rains present in person and represented. Judgment and Sentence- Donald R. Rains (21) Probation for a period of 5 years from this date, pursuant to YCA, T. 18 USCA 5010(a). And two of the conditions of probation are that the defendant pay ^{one-third} half of the cost of the stolen Vehicle within a period of 3 years, and that the defendant does not drive a car or vehicle for a period of 6 months. (AEB-J)h</p>
6-23-70	Order of Probation filed and entered as to defendant Rains. (AEB-J)h
6-23-70	Two c.c. of above order delivered to Prob. Office. h
9-9-70	Letter filed stating total net loss of vehicle in amount of \$2,083.76, from St. Louis-San Francisco RR Co. h
10-7-70	Case set for jury trial Monday 10-26-70 at 9:30 a.m. (AEB-J)m(as to deft. Gerald B. Foster)
10-21-70	<p>Defendant present in person and represented. / Defendant ^{Gerald B. Foster} withdraws his plea of Not Guilty and enters plea of GUILTY, and is adjudged GUILTY as charged. Defendant waives jury, waiver signed and filed in open court. Sentence passed to Tues. Nov. 17, 1970 at 10:00 A.M.(AEB-J)h</p>
11-17-70	<p>Defendant Gerald B. Foster present in person and represented. Judgment and Sentence- Gerald B. Foster (Age 21) It is adjudged that the imposition of sentence is hereby suspended and that the defendant is placed on probation for a period of Five (5) years from this date, pursuant to the Federal Youth Correction Act, Title 18, U.S.C.A. 5010(a); and one of the special conditions of probation is that the defendant make restitution in the amount of \$694.59, to be paid within a period of 3 years.(AEB-J)h</p>
11-17-70	Order of Probation filed and entered as to defendant Gerald B. Foster.(AEB-J)h
11-17-70	Two c.c. of above delivered to Prob. Officer.(AEB-J)h
10-12-71	Certificate of Vacation of Conviction, filed. (AEB-J)r
10-12-71	Order of Discharge from Probation, filed. (AEB-J)r
11-3-71	Certificate of Vacation of Conviction, filed. (AEB-J)v --of Gerald B. Foster
11-3-71	Order of Discharge From Probation, filed. (AEB-J)v --of Gerald B. Foster

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Jack C. Silver 411 U. S. Courthouse, Tulsa, Okla.
(Name of commissioner) (Address)COMMISSIONER'S
DOCKET No. 1 CASE No. 121
THE UNITED STATES
vs.

Gerald B. Foster

Complaint filed on Apr. 24, 1970, by Robert T. Robison
Official title Special Agent, FBI, charging violation of
United States Code, Title 18, Section 659, on Apr. 7,
1970, at Tulsa, Okla. in the
division of the Northern district of Oklahoma
as follows: with intent to convert to his own use
steal, take & carry away from a Frisco RR unload
ing terminal located 1631 W. 33rd Pl., Tulsa,
chattels of value in excess of \$100.00 that is a
1970 Plymouth Fury II, VIN PK41UOD231808.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Apr. 24, 1970 Warrant/Summons for Gerald B. Foster
(Name of defendant)
to (name and title of officer) U. S. Marshal or any authorized Officer:
Substance of returnDate Warrant/Summons for
to (name and title of officer)
Substance of returnFILED
17312
MAY 22 1970

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Apr. 24, 1970 Arrested by Robert T. Robison
FBI on warrant of Jack C. Silver
(Name of issuing officer)
without warrant.Appearances { for United States (Name) (Address)
for accused (Name) (Address)

Proceedings taken on April 24, 1970, the accused in person and not represented by

(Here insert with dates, when appropriate, a serialtim account of essential steps taken at hearing such as "complaint prepared,"

Counsel. Advised as to his rights to counsel, and the accused waives counsel
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
and signed Waiver of Counsel. Accused is advised of the charge and to the right
if that is the fact; any adjournments taken, etc.to a preliminary examination, the accused waives preliminary hearing, Bond
is set in the amount of \$2,500.00(unsecured). Order of Release issued. On
April 29, 1970 the accused appears before me and requested that a atty be
appointed for him, the accused signed Affidavit & Order Appointing Counsel.

Outcome April Preliminary waived on 4-24-70. Held for court action.

By Don W. Nabor, atty for the accused.

Bail fixed April 24, 1970. Amount, \$2,500.00 Bonded April 24, 1970, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19.

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken on April 24, 1970 the accused waived Preliminary Examination _____

Outcome _____
Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 24th day of April, 19 70

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, April 24, 19 70


United States Commissioner.

UNITED STATES COMMISSIONER
Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Jack C. Silver

(Name of commissioner)

U.S. Courthouse, Tulsa, Okla.

(Address)

COMMISSIONER'S
DOCKET No. 1 CASE No. 121
THE UNITED STATES
vs.

Don R. Rains

Complaint filed on Apr. 24 1970 by Robert T. Robison
Official title Special Agent, FBI
United States Code, Title 18, Section 659, charging violation of
1970, at Tulsa, Okla. in the
division of the Northern district of Oklahoma
as follows: with intent to convert to his own use
steal, take & carry away from a Frisco RR unload-
ing terminal located 1631 W. 33rd Pl., Tulsa,
chattels of value in excess of \$100.00 that is a
1970 Plymouth Fury II, VIN 1X41UOD231808.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date Apr. 24, 1970 Warrant/Summons for Don R. Rains
to (name and title of officer) any U. S. Marshal or any authorized Officer (Name of defendant)
Substance of return

Date Warrant/Summons for
to (name and title of officer)
Substance of return

FILED
17312
MAY 22 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Apr. 24, 1970 Arrested by Robert T. Robison { on warrant of Jack C. Silver
FBI (Name of issuing officer)
without warrant.

Appearances { for United States (Name) (Address)
for accused (Name) (Address)

Proceedings taken on April 24, 1970, the accused in person and not represented by

Counsel. Advised as to his rights to counsel, and the accused waives counsel

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
and signed Waiver of Counsel. Accused is advised of the charge and to the right

if that is the fact; any adjournments taken, etc. the
to a preliminary examination, with accused waives preliminary hearing. Bond

is set in the amount of 2,500.00 (unsecured). Order of Release Issued. On

April 27, 1970, a letter of Roehm A. West, adviseing me he will represent the
accused.

Outcome April 24, 1970 the accused held for action in the U.S.
District Court.

Bail fixed 4-24, 1970 Amount, \$ 2,500.00 Bonded 4-24-70, 19, by cash
deposited by (name) Address
transmitted to clerk of district court, 19, [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19,

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____ Appearances for

United States

(Name)

(Address)

Accused

(Name)

(Address)

WITNESSES FOR UNITED STATES:

(List names and addresses)

WITNESSES FOR ACCUSED:

(List names and addresses)

Witness payroll containing_____ names certified to United States Marshal for payment_____, 19____
Proceedings taken_____

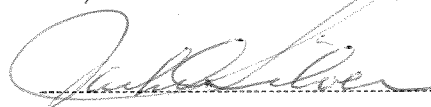
On April 24, 1970 the accused waives Preliminary Examination:

Outcome_____
Bail fixed_____, 19____ Amount, \$_____ Bonded_____, 19____, by cash
deposited by (name)_____ Address_____
transmitted to clerk of district court_____, 19____
[or] by surety (names)_____ Address_____
and_____ Address_____
who justified by affidavit_____, 19____ Committed to_____
on_____, 19____

Certified to be a correct transcript.

Made this 24th day of April, 19 70

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, April 27, 19 70



United States Commissioner.